

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 4 OF 2006

MS. TARA KERKAR, SOCIAL WORKER, ...Petitioner
VASCO DA GAMA,GOA.

Versus

STATE OF GOA THROUGH CHIEF Respondents
SECRETARY AND 3 ORS.,

Mr. D. Pangam, Amicus Curiae.
Petitioner In Person,
Mr. S.S. Kantak, AG with Ms. L. Dharwadkar, Aga for the Respondents.

Mr. C.A. Ferreira, Asst. Solicitor General for R.

Coram:- S.K. SHAH &
N. A. BRITTO, JJ.

Date:- 8th January, 2007

P.C.:

It is clarified that PIL Writ Petition No.3/2006 is now detached and we are considering only PIL Writ Petition No. 4/2006.

2. The grievance of the petitioner in this petition is that the speed breakers/rumblers are constructed on the National Highway No.17-A from Dabolim International Airport to Panaji at points described in paragraphs 3(b),(c) and (d) of the Affidavit filed on behalf of Respondent No.2.

3. The learned Advocate General has stated that the State has examined the position and submitted a report as also the suggestions. In short, the learned Advocate General submits that the need for putting the speed breakers/rumblers was examined by the concerned authority and the concerned authority found that it was necessary in public interest to put the respective speed breakers/rumblers at the places mentioned above.

4. The grievance of the petitioner is that no speed breakers/rumblers can be erected on the National Highway. Learned Amicus Curiae has sought to rely on the provisions of Section 31 of the Control of National Highways (Land and Traffic) Act, 2002, particularly sub-section (2) of Section 31. On the basis of these provisions, he submits that the speed should be regulated only by prescribing the speed given on that Highway. However, we have carefully gone through the provisions of Section 31(2) of the said Act and we feel that the submission made by the learned Amicus Curiae is not right. Regulation of speed of the vehicles can be made by the authority also by putting the speed breakers/rumblers. The speed breakers or rumblers also can be for controlling the speed if that is found to be necessary. Specifically we required the learned Amicus Curiae to show the prohibition of putting or erecting speed breakers or rumblers on the National Highway. However, he was not able to point out any such provision.

5. We have no doubt that the mention of regulation of speed of vehicles in Section 31(2) of the Act takes within its ambit the erection of speed breakers.

6. The learned Assistant Solicitor General has made a statement that the Highway authority which is mentioned in the Act is the Executive Engineer, P.W.D., Works Division VII and it is that authority which has examined the position of requirement of putting speed breakers/rumblers at the disputed points and the District Magistrate has also passed an Order dated 24th November, 2006 on an application made by the petitioner for removal of the speed breakers and the application was rejected by the District Magistrate by the said Order.

7. Under the circumstances, we do not find any merit in this petition and dismiss the same.

S.K. SHAH, J.

sl.